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Seventeenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1565 (2004) of 1 October 2004, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 March 2005 and requested me to keep it informed regularly of developments in the Mission area. The report covers major developments since my report of 31 December 2004 (S/2004/1034) and reviews progress made in the implementation of the MONUC mandate.

II. Political developments

2. While there was some progress in the implementation of the transitional agenda during the reporting period, the difficult relationship between the components of the Transitional Government has not significantly improved, and the implementation of some major aspects of the transition, including security-sector reform and the legislative agenda, has experienced considerable delays.

3. In early January, the Mouvement de libération du Congo (MLC), in reaction to a decision by President Kabila to replace five of the six ministers who had been suspended in November 2004 on allegations of mismanagement and misappropriation of public funds, threatened to withdraw from the transition. MLC, which had not recognized the suspension of the Minister of Public Works, declared the decision to dismiss him a "blatant and inadmissible violation" of the Global and All-Inclusive Agreement and the Transitional Constitution. Furthermore, MLC accused the ex-Government component of having blocked for months all discussions on power-sharing in the provincial/territorial administration, the diplomatic and security services, and public enterprises.

4. In an effort to de-escalate political tensions, the International Committee in Support of the Transition (CIAT) presented to the Ad Hoc Commission on power-sharing (established by the Transitional Government in June 2004) a series of proposals, which allowed negotiations between the Congolese components to resume. Although there has been little progress on any of the issues raised in the

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MLC ultimatum, the rift between Vice-President Bemba and President Kabila has subsided, thus allowing for the resumption of meetings of the Council of Ministers and the *espace présidentiel*.

Legislative agenda

5. With regard to its legislative agenda, on 3 January the Parliament officially concluded its three-month session, after having adopted the laws on the armed forces, nationality and voter registration. Outstanding legislation to be considered by Parliament will include laws on the referendum and amnesty, the status of the political opposition, the financing of political parties, the draft Constitution and the electoral law. A preliminary draft of the Constitution has been prepared and is currently being discussed by the Senate. Agreement is being sought on fundamental constitutional issues, such as the balance of power between the President and the Prime Minister and between the central Government and the provinces.

Electoral process

6. With regard to the electoral process, on 7 January the President of the Independent Electoral Commission indicated to the press that, in his view, it would not be feasible to hold elections in June 2005 and that a later date in 2005 should be considered. This statement fuelled popular suspicion among some segments of the population and political parties that the Transitional Government wanted to postpone the elections and led to demonstrations on 9 and 10 January in Kinshasa, Goma and Mbuji-Mayi, which resulted in the deaths of nine civilians.

7. Thereafter, on 13 January, President Kabila convened a meeting with the four Vice-Presidents, the Presidents of the two chambers of Parliament and the President of the Independent Electoral Commission to discuss electoral preparations. It was agreed to hold a seminar on the electoral process in early February. The seminar, which took place in Kinshasa from 2 to 4 February, was attended by representatives of all of the transitional institutions (Parliament, Government, institutions in support of democracy), with members of the international community, Congolese churches, MONUC and CIAT as observers. Participants reaffirmed their commitment to accelerating electoral preparations, including the provision of security in volatile areas, and to increasing Government participation in financing the organization of the elections. They also recommended the rapid adoption of necessary legislation, in particular the draft Constitution and electoral law, and requested logistical assistance from MONUC to support the electoral process.

Regional relations

8. During the reporting period, progress was made by the Joint Verification Mechanism and the Tripartite Commission in de-escalating regional tensions. Joint Verification Teams, with the participation of the Governments of the Democratic Republic of the Congo and Rwanda and the facilitation of MONUC and the African Union, have been established in Goma and Bukavu. The Goma team investigated a number of allegations submitted by both parties and submitted a report on its findings to the parties, through MONUC, on 7 February. Of the 18 allegations

investigated, 16 could not be corroborated. The two that were confirmed included the presence of the Forces démocratiques de libération du Rwanda (FDLR) at Lusamambo, which MONUC had brought to the attention of the parties, and the presence of a camp of internally displaced persons at Ngungu in the Kalehe territory near the Rwandan border. Separately, though the team found no evidence to support the allegation of the presence of Rwandan forces at Pinga, the team confirmed that one person detained by elements of the Forces armées de la République democratique du Congo (FARDC) at Kashebere was a Rwandan soldier, and Rwanda demanded his return to Rwanda. MONUC is encouraging the parties to address these issues jointly. The Bukavu Joint Verification Team became operational on 8 February and has so far conducted two verification missions, to Kalonge and Mule, to investigate allegations of FDLR activities in the area. The team could not corroborate the allegations. The second meeting of the Joint Verification Commission, provisionally scheduled to be held at Kinshasa on 21 February, did not take place, and the two Governments have now agreed to hold the next meeting in Kinshasa on 25 March.

9. A meeting of the Tripartite Commission was held in Washington, D.C., on 2 February, attended by representatives of the Governments of Rwanda, Uganda and the Democratic Republic of the Congo at the ministerial level. The United Nations was also represented at the meeting. The participants discussed the need to use pre-existing mechanisms to settle disputes and agreed to set up subcommissions on security and defence matters and diplomatic affairs. The possibility of including Burundi in the framework was considered and referred back to the parties for consideration. A further meeting of the Tripartite Commission was held in Kampala on 23 February, during which the parties agreed to establish a joint intelligence fusion, operations and analysis cell, through which they would share information on security issues of mutual concern and take appropriate action in accordance with the intelligence gathered.

10. Following the adoption on 20 November 2004 of the Dar es Salaam Declaration of Principles on Peace, Security, Democracy and Development in the Great Lakes Region, the 11 core countries of the International Conference on the Great Lakes Region have begun to transform the principles into concrete action. Towards this end, a regional Inter-Ministerial Committee was set up to prepare programmes of action, and draft protocols where needed, in the four thematic areas of the Conference: peace and security; economic development and regional integration; democracy and good governance; and humanitarian and social issues. At its first meeting, in Kigali on 17 and 18 February, the Committee established a timetable to address priority issues within each theme of the Conference.

III. Security situation

Ituri

11. An already precarious security situation in Ituri experienced a considerable setback during the reporting period, with the civilian population again bearing the brunt of the violence. The increase in military operations by various armed groups, particularly in the Tchomia and Kasenyi area, appears to be related to efforts by the Forces armées du peuple congolais (FAPC) and the Union des patriotes congolais

faction of Thomas Lubanga (UPC/L) in the Aru and Mahagi territories to ensure continued access to customs revenue. In this connection, MONUC is focusing its efforts on a four-pronged, proactive strategy to address the problems in Ituri, in conjunction with robust military operations. The strategy involves (a) pressing for decisive measures by the Transitional Government against any military group that opposes disarmament and the extension of State authority; (b) strengthening effective coordination of the disarmament and community reinsertion process to ensure that all national and international partners are fulfilling their obligations in order to conclude the process by 31 March; (c) increasing political and financial support for the District Commissioner's office; and (d) supporting legitimate authorities in re-establishing control over customs revenue.

12. While MONUC has stepped up its military efforts to disarm the factions and protect the civilian population, the Transitional Government has yet to take the steps necessary to put in place a transparent system of revenue collection that would put a definitive end to fighting over the control of parallel tax and custom structures.

13. The 11 December decrees incorporating a number of Ituri militia commanders into FARDC, including six who were given the rank of Brigadier General, were expected to help accelerate disarmament. Yet the disarmament and community reinsertion programme, under which 3,856 combatants (including 2,210 children associated with armed groups) have been disarmed and 1,197 weapons recovered since mid-December 2004 remains stalled and continues to be boycotted by UPC/L and FAPC.

14. In early January, isolated attacks between UPC/L and the Front nationaliste integrationiste (FNI) in the area of Djugu evolved into a wider confrontation between the two groups in the Tchomia and Kasenyi region (at Joo, Nyamamba, Datule and Kafé). The fighting in Tchomia was characterized by the burning of houses, especially in Nyamamba, as FNI sought to avenge an UPC/L attack on Datule. In late January, Lendu fighters and FNI militia members attacked Hema villages in the Tche area of Djugu, with reports of at least 16 civilians killed, 80 abducted, more than 200 homes burned and many others looted and destroyed.

15. In response, MONUC launched several operations to enhance security in the area, including the dismantling of militia camps, the protection of installations for internally displaced persons and the delivery of humanitarian assistance. These operations were concentrated in the areas in and around Fataki, Soba (3 kilometres north of Kafé), Mahagi and Djebu. With a view to protecting the civilian population threatened by FAPC militia members after the murder of a prominent businessman, on 24 February MONUC conducted a cordon-and-search operation at Ariwara and disarmed 116 FAPC soldiers, collecting some 118 weapons and ammunition. Also on 24 February, MONUC arrested 30 FNI militia members and confiscated weapons in the village of Datule (about 20 kilometres from Tchomia and 8 kilometres from Kafé).

16. On 22 February, UPC attacked MONUC peacekeepers at Nizi, wounding two peacekeepers from Pakistan. On 25 February, nine MONUC peacekeepers from Bangladesh were killed in a well-planned and coordinated ambush at Kafé (80 kilometres north of Bunia, on Lake Albert). The peacekeepers were on a routine foot patrol to protect a camp of some 8,000 internally displaced persons in the area. The ambush may have been in response to the increasing pressure that MONUC had exerted on militia groups over the previous weeks, notably the 24 February arrest of

numerous FNI militia members in its Datule stronghold. It may also have been designed to discourage CIAT, which was in Bunia as part of its efforts to ensure the extension of State administration to the area. The ambush also took place immediately after a meeting of the Tripartite Commission in Kampala, at which MONUC briefed the participants on its robust approach to the maintenance of peace in Ituri.

17. In response, MONUC and CIAT requested the Transitional Government to arrest the FNI leaders, in particular, its President, Floribert Njabu, its former military leader, Goda Sukpa, and its current military commander, Etienne Lona, as well as the head of UPC/L, Thomas Lubanga, its military commander, Bosco Ntaganda, and the head of the Front de résistance patriotique de l'Ituri (FRPI), Germain Katanga. Etienne Lona was arrested by the Government in Bunia on 1 March after presenting himself to MONUC. While the Transitional Government appears to have taken certain measures to restrict the movement of some of these individuals by placing them under house arrest, their means of communication have not been restricted. MONUC has also requested that the Transitional Government send clear orders to the armed groups in Ituri that they must immediately join the disarmament process. In this regard, the Transitional Government seems to be developing a *plan d'urgence* to address the crisis, with particular focus on reinforcing the district's administration and justice system.

18. In this connection, I particularly welcome the adoption by the Security Council on 2 March 2005 of its presidential statement condemning the attack on MONUC and the murder of nine peacekeepers and calling upon the Transitional Government to take all necessary measures to bring the perpetrators, sponsors and authors of the attack to justice (S/PRST/2005/10).

19. Separately, on 1 March MONUC conducted a large-scale cordon-and-search operation, carried out with infantry troops from Pakistan, Nepal and South Africa and the use of Indian attack helicopters, with the aim of dismantling an FNI headquarters in Loga (north-east of Bunia), in Ituri. While the operation was successful, MONUC came under heavy direct and indirect fire from FNI. During the ensuing exchange of fire, between 50 and 60 FNI militia members were killed and two MONUC soldiers from Pakistan were injured.

The Kivus

20. The situation in North and South Kivu remains very tense. In response to threats by Rwanda in December 2004 to enter the Democratic Republic of the Congo to forcibly disarm FDLR, additional FARDC troops were sent to the area. As a result, there has been an increase in the number of inter-FARDC clashes. Reports have also been received of collaboration between FDLR and the Mayi-Mayi and between FDLR and elements of FARDC. As in Ituri, the repercussions of these tensions had their greatest impact on the civilian population.

21. In North Kivu, although the ceasefire between opposing FARDC units around Kanyabayonga has held, tensions remained high. In addition to reports of troop movements, relations between ethnic communities have become increasingly polarized, with a series of alleged human rights violations involving ethnic targeting and local Rwandaphones' unease over the integration of the province's military forces. In this connection, MONUC has received reports of arms distributed to

civilians in some areas, which have further fuelled fears of wider intercommunal violence.

22. The 10-kilometre security zone established on the Kirumba-Mighobwe axis by MONUC in December to protect civilians and ensure humanitarian access has permitted limited aid operations and spurred the gradual return of most of the 150,000 internally displaced persons. Nevertheless, undisciplined Congolese soldiers, deserters and other armed elements have continued to loot villages and warehouses and to rape, rob and commit other crimes against civilians.

23. MONUC withdrew on schedule from the security zone in mid-January and reinforced its positions between Mighobwe and Kanyabayonga and in Butembo. As part of the FARDC measures to restabilize North Kivu and its border areas, an integrated battalion composed of eighth and tenth military region troops was deployed to Kalehe territory in January, to facilitate the return of approximately 13,000 internally displaced persons (mostly Congolese Hutus) who fled the area in September 2004. In addition, a battalion of the FARDC Ituri brigade was temporarily moved to Butembo, and the eighth military region commander is preparing the deployment of mixed battalions of ex-Armée nationale congolaise (ANC) and ex-Armée populaire congolaise (APC) forces to secure the Kanyabayonga-Lubero area. Nevertheless, reports have indicated an increase in FDLR activities in the Kanyabayonga and Kirumba area, sometimes in conjunction with Mayi-Mayi elements. In the Rutshuru territory, nine soldiers and one civilian were killed in FDLR raids between mid-January and early February.

24. In South Kivu, the Governor of the province officially resumed his functions in early February, after having been recalled for alleged involvement in the embezzlement of funds in December 2004. The Governor's return has contributed to tensions within the local administration. At the same time, there continues to be a lack of cohesion with the command of the tenth military region. In this connection, troops loyal to the tenth military region Commander and elements loyal to an ex-Mayi-Mayi commander clashed in Bukavu on 22 and 29 January. Nine people were killed as a result of this and related incidents.

25. During the reporting period, MONUC continued to receive reports of unusually high numbers of Banyamulenge crossing from the Ruzizi plains to Burundi. These reports raised fears about possible military recruitment by mutinous ex-ANC officer Jules Mutebutsi, who still resides in Rwanda. Separately, Burundian authorities have claimed that the Forces nationales de libération (FNL) are maintaining a presence in Congolese territory and that elements of the Transitional Government allow FNL to use the Ruzizi plains as a rear base. MONUC and the United Nations Operation in Burundi (ONUB) are encouraging information-sharing between FARDC and the Forces armées burundaises (FAB) on these issues. The full deployment of the MONUC South Kivu brigade will allow MONUC to adopt an improved deterrent posture along the Democratic Republic of the Congo-Burundi border. In the meantime, MONUC and ONUB are closely monitoring such cross-border movements.

26. During the reporting period, controversy resurfaced in regard to the return of 17,000 Banyamulenge refugees who remain in Burundi. In January, anti-Banyamulenge leaflets, similar to those disseminated prior to the attack on the Gatumba refugee camp in August 2004, began to appear in South Kivu and Bujumbura. MONUC and ONUB, in conjunction with local authorities, are

coordinating investigations to identify the authors of these tracts and to take appropriate action against them.

Security-sector reform and national disarmament, demobilization and reintegration

27. On 25 January 2005, the Supreme Defence Council revised from 300,000 to 250,000 its estimate of the number of combatants in FARDC. The Structure militaire d'intégration then issued a revised plan for the emergency *brassage*, or mixing and retraining of troops. According to this plan, the Government should open 10 *centres de brassage* before the end of March. The MONUC role will be to register arms handed in during the disarmament process and to destroy any unserviceable weapons. Serviceable weapons will be handed over for the use of the integrated army.

28. To date, *centres de brassage* have been opened at Mushaki, Nyaleke (North Kivu), Kamina (Katanga) and Kitona (Bas-Congo). An estimated 11,500 troops have arrived at the centres and handed in their weapons, and others are proceeding to these sites. While according to the original plan, demobilization is to take place at *centres d'orientation*, none have yet been opened. The Government has therefore proposed to deploy mobile teams directly to the *centres de brassage* to sensitize, identify and orient the combatants.

29. At the meeting of the Advisory Group of the Multi-Country Demobilization and Reintegration Programme held in Paris from 14 to 16 February 2005, donors recommended that the pending political and technical issues hampering the implementation of the Programme be resolved as a matter of urgency. As a result, the disarmament, demobilization and reintegration joint operational plan has been updated, with MONUC participating in the discussions.

30. As of early March 2005, the National Commission for Disarmament, Demobilization and Reintegration and the Committee that manages the funds for disarmament, demobilization and reintegration have been blaming each other for the slow pace of the work, and donors have met to consider measures to move the process forward more expeditiously amid doubts as to the extent of the political will on the part of the Democratic Republic of the Congo Government to accomplish disarmament, demobilization and reintegration.

IV. Implementation of the MONUC mandate

Joint commissions

31. In accordance with resolution 1565 (2004), three joint commissions, on essential legislation, security-sector reform and elections, have been established. The Joint Commission on Essential Legislation has met twice since its inaugural meeting on 24 January. The Commission is focusing its work on supporting the transitional institutions to adopt, as a priority, a draft post-transitional Constitution and the electoral law. The Joint Commission on Security Sector Reform met for the first time on 26 January. At the technical level, the working group on police reform has met on a weekly basis, and the working group on defence-sector reform has met

twice. The second plenary meeting of the Joint Commission on Security Sector Reform, which was scheduled to take place on 21 February, was postponed due to the unavailability of some of the Congolese participants.

32. In regard to elections, the Electoral Technical Committee continued to meet regularly. In February, the Independent Electoral Commission held a retreat at which it refined its operational planning strategy. The Commission believes that it is technically feasible to conduct the registration of voters and to hold the constitutional referendum in 2005. However, efforts will need to be redoubled to ensure that all outstanding legislation is enacted and to create the enabling political environment for the conduct of these operations.

33. In the meantime, the Independent Electoral Commission, with the support of the European Union, MONUC and other international donors, has prepared a budget of some $285 million for the electoral process. This budget was endorsed by the World Bank Consultative Group in December 2004. The funds will be managed through a United Nations Development Programme (UNDP) trust fund set up for the electoral process. The budget is based on the premise that five polls will take place — a referendum, local elections, legislative elections and two rounds of presidential elections — with an electorate of 28 million voters. The budget covers the functioning of the Independent Electoral Commission, its 11 regional offices, 64 local liaison offices, 9,000 registration centres and 40,000 polling centres. To date, $165 million has been pledged, out of which $70 million has been received, $52 million of which is from the European Union.

34. It is my intention to present separately to the Security Council, in April 2005, a special report containing a comprehensive overview of the electoral process in the Democratic Republic of the Congo, including recommendations for enhancing the MONUC mandate to provide additional operational and security support as may be needed to guarantee the success of the electoral process. To this end, I have requested the Department of Peacekeeping Operations and the Electoral Assistance Division to field a mission to the Democratic Republic of the Congo to work jointly with MONUC in finalizing a comprehensive operational plan for elections.

Military deployments

35. The western brigade was formed on 25 January, in order to improve command and control of the increased number of troops in the west. Based in Kinshasa, it is commanded by a Brigadier General and remains under the operational control of the force headquarters in Kinshasa. This new brigade was created by combining the former Sector 1 headquarters and the neutral force, and will be responsible for operations in Kinshasa and the provinces of Bas-Congo, Bandundu, Equateur and the Kasaïs. It is expected that the deployment of the Eastern Division and western brigade headquarters will be completed in April.

36. With the decentralization of the Mission, an Eastern Division headquarters for MONUC has been created in Kisangani, to command and oversee tactical operations in the eastern Democratic Republic of the Congo. This headquarters, comprising military, administrative and logistic support elements and commanded by a Major General, became fully operational on 24 February 2005 and is responsible for the Ituri operation as well as MONUC operations in the provinces of Orientale, Maniema, Katanga and North and South Kivu. With the delegation of operational

command to the divisional headquarters, it is expected that MONUC resources will be utilized with increased efficiency.

Disarmament and repatriation of foreign armed groups

37. The total number of foreign combatants and their dependants repatriated to Uganda, Rwanda and Burundi now stands at 11,410. Progress in repatriation remains slow, because of the continued resistance by the hard-line leadership of the armed groups and the persistent military tension and instability in the Kivus, which have significantly eroded the climate of confidence and security necessary to progress with voluntary disarmament, demobilization, repatriation, resettlement and reintegration.

38. The presence and activities of the ex-Forces armées rwandaises (FAR)/ Interahamwe on Congolese territory continues to be a destabilizing factor in bilateral relations between the Democratic Republic of the Congo and the Government of Rwanda. In this connection, MONUC, in consultation with Congolese authorities, key Member States and the Government of Rwanda, is implementing a three-pronged strategy that involves political and military pressure in conjunction with a reliance on justice.

39. At the political level, the strategy depends on Member States, with the support of MONUC, to exert pressure at several levels, including on the leadership of FDLR to renounce the armed resistance to the Rwandan Government; the Government of the Democratic Republic of the Congo to engage in an open and transparent disarmament, demobilization, repatriation, resettlement and reintegration programme; the spoilers in the Democratic Republic of the Congo who provide safe haven or support for ex-FAR/Interahamwe leaders in the Democratic Republic of the Congo and who cooperate with them in the exploitation of natural resources; and the Government of Rwanda not to interfere in the eastern Democratic Republic of the Congo and to provide its full cooperation in the repatriation and resettlement of FDLR members. In regard to justice, the strategy relies on the Government of the Democratic Republic of the Congo and other Member States concerned to ensure that the remaining *génocidaire* suspects residing in the Democratic Republic of the Congo and elsewhere are brought to justice through the International Criminal Tribunal for Rwanda.

40. In February, officials of the Transitional Government met with elements of the FDLR leadership in an effort to persuade them to publicly renounce the use of force against Rwanda, condemn the 1994 genocide and agree to voluntarily disarm and be repatriated. It remains unclear at this stage when or whether such an announcement will be made.

41. In connection with military pressure, MONUC, with the deployment of two brigades to the Kivus, will step up military pressure by conducting operations to disrupt and weaken FDLR formations and thus limit the space within which it can operate. Such robust military action, in the form of cordon-and-search operations and the setting up of checkpoints, is aimed at loosening FDLR command over those who may wish to voluntarily turn their weapons in to MONUC and be repatriated to Rwanda. MONUC is also assisting FARDC in developing a concept of operations for the forcible disarmament of FDLR, including the provision of logistic support.

In this connection, key Member States will be relied upon to provide the logistic resources required by FARDC.

Police activities and deployment

42. During the reporting period, the Transitional Government began to prepare an election security plan, with the technical assistance of MONUC and experts from the European Union, Angola, Belgium, France, the Netherlands, South Africa and the United Kingdom of Great Britain and Northern Ireland, within the framework of the Joint Commission on Security Sector Reform. The Transitional Government has identified a need to rapidly retrain some 32,000 police in preparation for elections. This would include the training and equipping of 10 motorized units of 150 police each to be deployed to potentially volatile cities; 15 non-motorized units of 150 police each for other, larger cities; 116 platoons of 30 police each as reinforcements; 18,500 territorial police; and 4,000 intelligence officers.

43. MONUC is supporting the Transitional Government's plan through its training-of-trainers programme, which started on 14 February at five facilities throughout the Democratic Republic of the Congo. A total of 250 Police nationale congolaise (PNC) instructors are expected to be trained by the end of the programme. The European Union has indicated its readiness to provide €8.9 million through the UNDP trust fund for elections for the refurbishment of training facilities and the provision of equipment necessary for the Congolese trainers to train Congolese police. Separately, the Netherlands has indicated its intention to contribute €2 million for these activities, while the United Kingdom of Great Britain and Northern Ireland has announced its intention to contribute £4 million for the reform of PNC.

44. In accordance with its revised police concept of operations, MONUC has deployed civilian police officers to 12 cities (Bunia, Bukavu, Goma, Kalemie, Kananga, Kindu, Kinshasa, Kisangani, Lubumbashi, Mahagi, Matadi and Mbandaka) in nine provinces to provide advice in situ. Bilateral assistance for police training has also continued. The third phase of the European Union training of the Integrated Police Unit began on 29 January and will result in the training of a total of 1,008 police by May 2005. France has completed the second phase of the training of 1,500 *police d'intervention rapide*, and South Africa and Angola have intensified their training programmes.

Logistical aspects

45. With some 11,000 troops in Ituri and the Kivus, the identification and rehabilitation of surface routes for logistic resupply has been a priority for the Mission. In this connection, the completion of rehabilitation work on 143 kilometres of the 194-kilometre Beni-Bunia road has opened up the possibility of reducing air transport of materiel, from fuel to rations, through the use of more economical surface transport options. Similarly, MONUC is now focusing on the completion of the Mahagi-Kwandroma, Iga Barriere-Fataki and Bukavu-Uvira axes, with extensive work being undertaken by a combination of military and civilian engineering resources.

46. During the reporting period, MONUC identified, leased and prepared suitable sites to receive troops and deployed, from troop-contributing countries to Entebbe and Bujumbura, more than 2,600 MONUC military personnel and their equipment and provided onward transportation by air and surface routes to the Kivus. At the same time, some 3,700 troops were processed for rotation, and a further 1,800 were redeployed within the Mission area, again with their contingent-owned equipment. Despite the increasing use of surface routes for bulk transportation, there will continue to be a heavy reliance on air bridges, requiring extensive airfield repair and rehabilitation in Bunia, Goma, Bukavu and Kalemie; the provision of adequate ground handling services; and the development of air traffic control services, which are critical for ensuring adherence with Department of Peacekeeping Operations aviation safety standards. MONUC logistics are also essential for moving the personnel and humanitarian cargo of United Nations agencies and international and national NGOs, as well as for transporting members of government institutions in support of the transitional process.

Cooperation of the United Nations Organization Mission in the Democratic Republic of the Congo with the United Nations Operation in Burundi

47. MONUC and ONUB continue to hold monthly technical coordination meetings to address issues of common concern, including cross-border arms trafficking, the coordination of air and land reconnaissance missions and the promotion of communications and joint border operations between FARDC and FAB. MONUC and ONUB also conduct regular joint patrols in an effort to reduce cross-border incursions of armed groups and share information on potentially destabilizing issues. The first of the regular quarterly meetings between my Special Representative for the Democratic Republic of the Congo and senior staff was held in Kinshasa on 10 and 11 February.

Human rights and child protection

Human rights

48. There has been no significant improvement in the human rights situation in the Democratic Republic of the Congo. On 6 December, MONUC conducted a joint fact-finding mission to corroborate preliminary findings, made on 2 December, that there had been systematic attacks on villages located in Ikobo, in the territory of Walikale (South Kivu), in which 13 civilians were killed and some 5,000 displaced. Meanwhile, a special MONUC team continues to monitor gross human rights violations in North Kivu. Deployed in three key sites (Masisi, Lubero and Rutshuru), the team has investigated and documented human rights abuses that took place following fighting in the area between FARDC elements in mid-December.

49. Other MONUC investigations have determined that ex-ANC elements of FARDC were responsible for the arbitrary killings of at least 30 unarmed civilians at Buramba and dozens of arbitrary killings in the Masisi territory following the group's occupation of Nyabiondo in December. In Rutshuru, MONUC investigated attacks on villages near the Ugandan border area that led to civilian deaths. Sexual violence, mainly acts of rape, has also been widely reported in these areas. MONUC

brought its findings to the attention of the provincial governmental authorities and the military prosecutor's office. The North Kivu Governor, who initiated commissions of inquiry into the violations, denied that FARDC (ex-ANC) troops were responsible for the violations. No criminal investigation has been opened by the military prosecutor's office.

50. In Ituri, arbitrary killings, sexual violence and abductions continued to take place on a daily basis, as a result of raids carried out by militia groups. Villagers, including women and children, have also been abducted and held for ransom in militia camps, most recently in Tche, some 30 kilometres north-east of Bunia (see para. 14 above).

51. Frequent reports of challenges to freedom of expression and freedom of the press during the reporting period are of particular concern in relation to the upcoming electoral process, in particular electoral campaigns. On 18 January, private television and radio stations were blocked from broadcasting reports on a press conference held by a suspended Government Minister. Subsequently, the Ministry of Press and Information explicitly forbade the mass media to broadcast "political propaganda" and temporarily suspended signals from three private radio and television stations in Kinshasa and Lubumbashi.

Child protection

52. Continuing tensions in Ituri and the Kivus since December have taken a toll on children, with reports of killings of some 50 individuals under the age of 18; widespread rape of minors; pillaged or burned schools and nutritional centres; abductions of children; recruitment of children into armed groups; the use of children in attacks; and the alleged detention of several children in underground cells. Those primarily responsible for these abuses included FNI, FAPC, UPC/L, ex-Mayi-Mayi, FDLR and ex-ANC. Most abuses have been committed with impunity, apart from isolated trials of military personnel that did not necessarily meet fair-trial standards and in most cases offered little protection to the victims.

53. Since the launching of the disarmament and community reinsertion process in Ituri in mid-December, more than 2,000 children, including some 400 girls, have been released from armed groups, although some have suffered persecution after their reintegration. Outside Ituri, since mid-January, some 500 children have also been released from a range of military units in operations organized by the United Nations Children's Fund, MONUC, the National Commission for Disarmament, Demobilization and Reintegration and child protection partners in collaboration with FARDC, particularly in the Kivus and Maniema.

54. MONUC also followed up on the arrests of some 26 street children in Mbuji-Mayi on 19 January, after authorities ordered a clean-up following renewed tensions between diamond diggers and street youths. Despite child protection groups' advocacy and officials' verbal promises, few concrete measures have been taken to protect the children, who continue to suffer prejudice and discrimination.

Rule of law

55. In cooperation with international partners, MONUC continues to advocate the use of justice institutions by Congolese authorities as a tool to combat impunity and

to create a secure environment for elections. MONUC continues to provide protection to justice officials in Ituri, in the prosecution of members of armed groups who engage in destabilizing activities, and has assisted in the deployment of military magistrates throughout the Democratic Republic of the Congo to support efforts to stem the violence committed against the local population by rogue elements of FARDC.

Humanitarian situation

56. The security necessary for access to vulnerable groups and victims is the foremost priority in regard to improving humanitarian conditions in the Democratic Republic of the Congo. During the reporting period, United Nations agencies and NGOs provided emergency assistance to more than 50,000 recently displaced civilians in the Tchomia area of Ituri, while MONUC military doctors treated more than 1,000 displaced persons who had sustained various types of injuries. In South Kivu, the World Food Programme, the Office for the Coordination of Humanitarian Affairs, UNDP and MONUC have assisted some 4,000 families affected by floods in recent weeks.

57. In North Kivu, following weeks of intense negotiations by the Office for the Coordination of Humanitarian Affairs and other humanitarian organizations, relief workers have been authorized to have access to and assist vulnerable groups in the Lubero area. At the request of the humanitarian community, MONUC has increased its military patrols along the Kanyabayonga-Kirumba axis in Lubero territory, thus encouraging civilians who fled the area in December to return.

58. On 20 January in Dar es Salaam, the Governments of the United Republic of Tanzania and the Democratic Republic of the Congo signed a tripartite agreement with the Office of the United Nations High Commissioner for Refugees, allowing for the repatriation of Congolese refugees, mostly to the Katanga and Kivu provinces. The largest population of Congolese refugees, some 153,000 people, resides in the United Republic of Tanzania. Similar agreements are expected to be signed with Burundi, Rwanda, Uganda, the Sudan, Zambia and Angola. The current insecurity in the region had postponed the organized repatriation from Burundi of some 1,000 Congolese refugees.

59. Although a number of donors have been generous in their support for humanitarian assistance in the Democratic Republic of the Congo, significant funding shortfalls remain. The 2004 consolidated appeal received just 73 per cent of the $163 million requested. For 2005, the humanitarian community has requested some $185 million for essential life-saving assistance. In view of the deteriorating situation in Ituri and the Kivus, donor support is urgently required to assist the most vulnerable parts of the Congolese population.

Public information

60. During the period under review, MONUC focused on community outreach activities and providing support for the electoral process. In this connection, MONUC is producing a monthly bulletin, which is disseminated throughout the Democratic Republic of the Congo both electronically and in hard copy. Radio Okapi has launched a new programme on civic education, which is broadcast every

weekday in five languages and closes with a debate on Fridays. In preparation for the period of electoral campaigning, MONUC is scheduling radio spots and public-service announcements on voter and civic education.

Conduct of personnel of the United Nations Organization Mission in the Democratic Republic of the Congo

61. During the reporting period, the United Nations Secretariat and MONUC have increased measures to prevent sexual exploitation and abuse by United Nations personnel and to take swift action, where allegations have been corroborated, as outlined in my letter to the President of the Security Council dated 9 February 2005 (S/2005/79).

62. The Headquarters-based task force on sexual exploitation and abuse, led by Assistant Secretary-General Jane Holl Lute, meets on a weekly basis and has clarified existing policies and provided new guidelines to MONUC and other peacekeeping operations. With the establishment of a wider, senior task force under the auspices of the joint secretariat of the Executive Committees on Peace and Security and on Humanitarian Affairs, it is expected that additional policy recommendations and decisions will be made in the areas of (a) increasing managerial accountability, (b) enhancing the organizational capacity for prevention and response and (c) improving assistance to victims, among others.

63. On 5 January, the Office of Internal Oversight Services released the results of its four-month investigation into misconduct by peacekeepers serving in Bunia (A/59/661). As preliminarily indicated in my last report on MONUC to the Security Council, dated 31 December 2004 (S/2004/1034), of the 72 allegations originally reported to MONUC, eight were fully substantiated. Upon receiving the Office of Internal Oversight Services reports on individual cases, the Department of Peacekeeping Operations transmitted them to the troop-contributing countries concerned, requesting them to take swift disciplinary action. The Department has since followed up with those Member States, requesting information on the status of these cases.

64. The observation of the Office of Internal Oversight Services that there was a pattern of sexual exploitation by uniformed personnel involving women and girls is a source of major concern, which is now being addressed in a comprehensive manner by the Department of Peacekeeping Operations and MONUC. During the first week of January, at the request of the Under-Secretary-General for Peacekeeping Operations, Assistant Secretary-General Angela Kane was deployed to the Democratic Republic of the Congo to head a special investigative team, the first elements of which had been deployed in late December. The team was augmented in February by five highly skilled investigators and will be further strengthened to meet the medium-term investigation requirements. Given the number of allegations of sexual exploitation and abuse received by MONUC in recent months, the special investigation team focused its attention on the review of those allegations and on the conduct of as many investigations as possible.

65. The investigation team is working closely with military and civilian colleagues in MONUC to consolidate the investigation process, decrease duplication, provide specialized techniques specific to sexual exploitation and abuse, and improve the review process on which disciplinary recommendations are based. The team

initiated the establishment of a sexual exploitation and abuse focal-point network with all United Nations agencies, funds and programmes in the Democratic Republic of the Congo, and MONUC will ensure that regular meetings are held to coordinate and streamline relevant actions with regard to training, prevention and assistance to victims.

66. Among new measures taken, my Special Representative for the Democratic Republic of the Congo and Assistant Secretary-General Kane provided joint, in-depth briefings to all contingent commanders, all 15 MONUC regional heads of office and the two heads of the sub-offices. These briefings emphasized the personal responsibility and accountability of contingent commanders and senior managers. The heads of office have been tasked with developing region-specific strategies to address this issue, focusing on prevention measures tailored to their areas. Senior managers are updated daily regarding emergent sexual exploitation and abuse issues and Mission response.

67. The investigation team has conducted site visits to MONUC regional offices to inform staff of its mandate and activities, advise them of the broader Mission plans to eliminate sexual exploitation and engage staff in redress efforts. In addition, the MONUC code of conduct has been jointly revised to explicitly define and clarify what behaviour constitutes sexual exploitation and abuse. A web site dedicated to this matter has been established for the use of the Mission's personnel, which also provides clear guidance on and an explanation of MONUC staff conduct requirements and relevant regulations, as well as reporting mechanisms, confidentiality for complainants and frequently asked questions and answers. A model complaint form has been widely distributed via the focal-point network and local NGOs; a hotline has been established for confidential reporting, supplemented by an e-mail complaint system and a mailing address for complaint forms.

68. Additional preventive measures have been put in place for military and civilian personnel, including the establishment of a strict non-fraternization policy, the imposition of a curfew, the designation of off-limits areas and in-Mission training. Opportunities to improve contingent welfare facilities and further preventive measures for civilian staff are currently under consideration.

69. Staff of the investigation team will form the core of the new office for addressing sexual exploitation and abuse in MONUC. That office will continue to conduct investigations on sexual exploitation and abuse allegations and will provide policy development and advice, training and advocacy, focusing primarily on preventive measures and assistance to victims as well as follow-up on necessary actions.

V. Financial aspects

70. As indicated in my last report on MONUC to the Security Council (see S/2004/1034, sect. IX), the General Assembly, by its resolution 58/259 B of 18 June 2004, appropriated $709,123,200 for MONUC for the period from 1 July 2004 to 30 June 2005. Additional resource requirements of the Mission arising from the Council's decision in its resolution 1565 (2004) to increase the authorized strength of MONUC by 5,900 personnel will be considered by the General Assembly shortly. As at 31 January 2005, unpaid assessed contributions to the MONUC special

account amounted to $328.5 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,315.6 million.

71. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $0.9 million. With the appointment of the Ituri District Administration by the Transitional Government, the trust fund to support the Ituri Pacification Commission, established in July 2003, has accomplished its purpose. Expenditure against voluntary contributions of $0.35 million to the trust fund amounted to $0.28 million, and I shall seek the views of the donors as to the disposition of the remaining funds.

VI. Observations

72. I am deeply disturbed by the premeditated killing of nine United Nations peacekeepers on 25 February in Ituri and by the general deterioration of security and unabated abuse of human rights in that area of the Democratic Republic of the Congo. As requested by the Security Council in its presidential statement of 2 March 2005 (S/PRST/2005/10), the Transitional Government must immediately arrest the leaders of groups that are suspected of responsibility for these unconscionable acts. Unless the Transitional Government holds accountable those responsible, violence against innocent people will continue in Ituri and elsewhere in the Democratic Republic of the Congo. Immediate action is required, and no delay can be excused.

73. MONUC will continue to make every effort to help stabilize Ituri. But, first and foremost, security in Ituri will depend on the Transitional Government extending State authority and establishing a transparent customs regime in the area. It will also depend on stepped-up action by the Governments of Uganda, Rwanda and the Democratic Republic of the Congo to ensure that their territories are not used to support the flow of arms into the region and for the transport of illegal mineral wealth out of the region.

74. In regard to overall progress in the implementation of the peace process, the Transitional Government must take resolute action on several fronts, particularly in regard to elections, security-sector reform and the establishment of the rule of law. The people of the country are frustrated by delays in the electoral schedule. Reform of the security sector also remains extremely slow. Of greatest concern for security is the continuous lack of payment for soldiers and policemen. This creates a potentially volatile situation, with the people of the Democratic Republic of the Congo taking their frustrations to the streets and the Government's security apparatus remaining weak.

75. I call on the Transitional Government to make concrete and visible progress towards the holding of elections, most importantly through the adoption of the draft Constitution and electoral law and the commencement of the registration of voters. These are concrete signs that will provide much-needed confidence in the transitional process and its leaders. In regard to security-sector reform, the Government and relevant stakeholders must immediately work out the problems that have delayed the commencement of disarmament, demobilization and reintegration, which is essential for progress on the integration of the military. The Government must also provide a greater degree of cooperation with donors that are supporting

efforts to reform the police sector. While efforts to reform the justice sector are under way, they remain nascent, and further commitment by the Government is required for recognizable progress to be made.

76. The current debate in the Senate on the Constitution is an essential element of ensuring post-transition stability. The future Constitution and electoral laws must provide for an inclusive political process, with a clear balance of power between the executive and legislative branches of the Government, as well as an independent judiciary, a representative legislature and clear lines of accountability. I call on the Congolese leaders to ensure that these provisions are included in the Constitution and the electoral law. Elections should be seen as a milestone in the process of fundamental reform needed for the Democratic Republic of the Congo.

77. I am grateful for the active support that the international community is providing for the peace process in the Democratic Republic of the Congo. Mechanisms have been established through the three joint commissions to provide direct technical support and advice to the transitional institutions in pursuing their legislative, security-sector reform and electoral agendas, and donors have pledged to provide a significant portion of the funds required for elections. Yet much more is required, particularly in regard to security-sector reform. I call on the international community to step up its efforts and financial and logistic support in this regard, particularly to assist in the training and equipping of FARDC troops, which is necessary for them to play an effective role in trouble spots such as Ituri and the Kivus, including in regard to the disarmament of foreign armed troops and security for elections. In this connection, I should like to stress that the establishment of an integrated and professional army and police force is a key element of the exit strategy for MONUC. I urge interested members of the international community to organize themselves around a lead country to support these efforts in a substantial, dedicated and sustained manner.

78. With the full deployment of the MONUC brigades in the Kivus, the Mission's capacity to support the maintenance of security and the protection of civilians in the Kivus has been significantly enhanced. MONUC actions in this regard will pay particular attention to any element responsible for insecurity in this region. In this connection, it is well recognized that the presence of the ex-FAR/Interahamwe continues to be a serious security threat for the local population. While the MONUC voluntary disarmament, demobilization, repatriation, resettlement and reintegration programme will continue, the Mission will not hesitate to take the action necessary against these foreign armed groups in order to ensure the security of civilians and United Nations personnel in the Kivus and to put an end to the egregious violations of human rights that they continue to commit.

79. The African Union and some Member States are examining, in consultation with the United Nations, the possibility of deploying troops into the Democratic Republic of the Congo to forcibly disarm the ex-FAR/Interahamwe. In the meantime, I have instructed MONUC to develop a joint concept of operations with FARDC in regard to the forcible disarmament of these elements, with FARDC taking the lead and MONUC acting in a supportive role. The implementation of this concept will require donor support for logistics and training of FARDC units. I call on the international community to provide such assistance in a timely manner so that the presence of ex-FAR/Interahamwe in the Democratic Republic of the Congo,

which has damaged good-neighbourly relations in the region for too long, can be brought to an end once and for all.

80. The adoption of resolution 1565 (2004) on 1 October 2004 has helped to focus the attention of the Transitional Government and international stakeholders, including MONUC, on a critical path of actions necessary for the holding of elections and the installation of a post-transitional Government in conditions of security. Since that time, MONUC has improved the management of its operations, including through the establishment of the three joint commissions, the decentralization of its military and support structures and improvements in the collection and analysis of information, so that it can play the most effective role possible in assisting the transitional process and maintaining security in the Democratic Republic of the Congo. However, in order to improve its operational capability in Ituri and the Kivus, MONUC still needs to enhance its technical information-gathering capabilities, and I appeal to Member States that are able to do so to provide the necessary support in this regard.

81. With the arrival of the new Deputy Special Representative for the Democratic Republic of the Congo, who has also been appointed Humanitarian Coordinator, efforts have commenced for the integration of the activities of all United Nations actors in the country. Stronger emphasis has been put on bringing United Nations agencies and MONUC together in the development of common security arrangements and expanding humanitarian space, as well as for strategic planning and advocacy. In this regard, MONUC, under its mandate to protect civilians, will also strengthen its actions to reduce acts of aggression against the civilian population, including widespread sexual violence, which remains a striking feature of the continuing conflict and insecurity.

82. The holding of elections and ensuring stable governance thereafter are now the key issues in the Democratic Republic of the Congo. MONUC is playing a central role in supporting the Transitional Government through this process, in terms of both political and military requirements. It is on this basis that I recommend that the Security Council consider extending the mandate of MONUC for a period of one year, until 31 March 2006.

83. I should like to recall, in this connection, that in my report of 16 August 2004 (S/2004/650) I recommended the increase of MONUC troop strength by an additional 13,100, thus bringing the Mission's total authorized strength from 10,800 to 23,900, comprising five brigades, one each for Ituri, North Kivu, South Kivu, Katanga and the Kasais. In resolution 1565 (2004), the Council decided to increase the strength of MONUC by 5,900 personnel, thus allowing for the deployment of brigades to Ituri and North and South Kivu, but not to Katanga and the Kasais.

84. As noted in that report, as the Democratic Republic of the Congo enters the electoral phase, the provinces of Katanga and the Kasais are considered areas of extremely high potential risk. In this connection, MONUC and the Secretariat are currently preparing a detailed survey of electoral preparations in the country and the security risks and requirements involved. On this basis, I intend to present a special report on elections in the Democratic Republic of the Congo to the Security Council in the coming weeks, including an update of the electoral process and any outstanding political, operational and security requirements to see the process through to success.

85. The reputation of MONUC has been severely damaged by acts of sexual exploitation and abuse committed by some peacekeepers against the local population. As noted in paragraphs 61 to 69 above, a number of concrete measures have now been put in place to prevent and investigate such abuses, to discipline those found responsible and to provide support to the victims. These measures are also being replicated in the other United Nations peacekeeping operations. However, there is a need for continued vigilance in this regard. I would like to thank those in MONUC and others within the United Nations system, as well as NGOs and Member States that have contributed to this process, and to take this opportunity to assure the Congolese people and international community that the Organization is determined to carry out my zero-tolerance policy both in MONUC and in peacekeeping operations elsewhere.

86. In closing, I would like to thank the men and women of MONUC for their untiring efforts to bring peace to the Democratic Republic of the Congo. In particular, I would like to thank Major General Samar Ilya of Nigeria, who completed his tour of duty as the MONUC Force Commander in February. I also owe a debt of gratitude to Behrooz Sadry, my Deputy Special Representative for the Democratic Republic of the Congo, who retired in February of this year after 47 years with the United Nations. Mr. Sadry's untiring efforts and dedication are an example to all those who come after him.